

REMARKS

Claims 1-19 are pending in the application. Claims 1-10 have been withdrawn from consideration by the Examiner, and claims 11-19 stand rejected.

Rejection under 35 U.S.C §103

Claims 11-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,716,101 to Meadows et al. in view of U.S. Pat. No. 5,958,016 to Chang et al. In particular, the Examiner finds that Meadows teaches all limitations of claim 11 at col. 2 ll. 3-28 and col. 5 ll. 13-29, with the exception of the capability of communicating with trusted platforms. On the other hand, the Examiner opines, Chang teaches this limitation at col. 14 ll. 39-48. The Examiner thus concludes that the skilled person would have found it obvious to modify the invention of Meadows with the teaching of Chang for monitoring geographical location and movement and for providing the location information to an authorized user through the world wide web.

Applicants respectfully disagree.

Meadows describes a system for tracking the location of known cell phones by use of a cell phone network matched with a geographical database. The cell phone network tracks the movement of a cell phone through registration signals transmitted over a specific channel and supplies information to a coordinator system that determines the actual geographical location of the cell phone which is in turn proved to the continuously updated geographical database. Chang, on the other hand, describes a secure access platform that provides access control to a private data network (including an intelligent telephone network) by users through the Internet. The users of Chang are thus able to securely access and control functionalities of the private network through the Internet. Meadows and Chang clearly could not be more irrelevant to one another.

The Examiner's contention that "Meadows is silent on the capability of communicating with trusted platforms" is a gross oversimplification of the shortcomings of Meadows with respect to claim 11. Applicants can only understand the Examiner as equating Meadows' "geographical location coordinator system" as reading upon the presently claimed information access point relating to at least one pre-determined geographical area (given that once again, and

true to form, the Examiner utterly fails to draw any correlation between claimed terms and specific elements in Meadows). What is immediately apparent is that Meadows' information access point has nothing akin to the claimed "apparatus for retrieving information relating to trusted computing platforms located within said pre-determined geographical area" given that, according to the Examiner, the coordinator system is the trusted platform of Meadows.

The Examiner's contention that combining with Chang endows Meadows with "the capability of communicating with trusted platforms" does nothing to cure the above shortcomings, as enabling the geographical location coordinator system of Meadows to communicate with a trusted computing platform makes absolutely no sense within a system completely bereft of such trusted computing platforms as Meadows'.

The only other possible interpretation (i.e. guess) of the Examiner's rejection is that she views the cellular telephones of Meadows as being trusted platforms. If so, the Examiner's read of Meadows is unreasonably overbroad. It is well settled law that claims are read in light of the specification, and thus the term "trusted computing platform" as used in the present claims, as read in light of the specification (the Examiner may wish to peruse pages 10-16 of the application with particular care to thereby educate herself to the meaning of "trusted computing platform") clearly refers to computing devices that include, at the very least, a trusted component as described therein.

Applicants thus ask - what is the trusted computing platform in Meadows with which the geographical location coordinator system would communicate? Regardless of the Examiner's answer, Applicants have shown above that this answer cannot be correct.

Yet another guess at the Examiner's otherwise unexpressed intent is that the skilled person would, somehow, actually integrate the secure access platform of Chang with the geographical location coordinator system of Meadows. To this Applicants ask: where? How? Why? The secure access platform of Chang is configured to allow users access to a private network through the Internet. *Replacing* the geographical location coordinator system of Meadows with the secure access platform of Chang would clearly render Meadows nonfunctional. Placing the geographical location coordinator system of Meadows in communication with the secure access platform of Chang would be a similarly useless feature,

and certainly not anticipatory of claim 11. The Examiner's asserted combination of Meadows and Chang would clearly destroy the functionality of both.

Applicants further note that the Examiner's rejection also falls far short of the requirements for a proper §103 rejection, even in light of the new *KSR v. Teleflex* Examination Guidelines of October 10, 2007. These Guidelines provide that "When making an obviousness rejection, Office personnel must therefore ensure that the written record includes findings of fact concerning the state of the art and the teachings of the references applied. In certain circumstances, it may also be important to include explicit findings as to how a person of ordinary skill would have understood prior art teachings, or what a person of ordinary skill would have known or could have done. Factual findings made by Office personnel are the necessary underpinnings to establish obviousness." There is an utter dearth of such factual findings in the present Action; rather only conclusory statements as to what the skilled person, according to the Examiner's imagination, would have done.

The Guidelines further admonish that "Although a rejection need not be based on a teaching or suggestion to combine, a preferred search will be directed to finding references that provide such a teaching or suggestion if they exist." The Examiner has not even acknowledged this pronouncement, much less provided a reason for the lack of such teaching or suggestion in the references.

The Guidelines further set forth that "Any obviousness rejection should include, either explicitly or implicitly in view of the prior art applied, an indication of the level of ordinary skill." Applicants have combed through the Examiner's rejection but have failed to find any such indication, explicit or implicit.

Perhaps the most instructive portion of the Guidelines is the clear statement that "The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Court quoting *In re Kahn* stated that "'[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.' " As already pointed out, the Examiner's entire

rejection consists of nothing but conclusory statements regarding what the undefined skilled person would - in the Examiner's sole opinion - have found obvious.

In view of all of the above, Applicants respectfully submit that the combination of Meadows and Chang is improper and, regardless, would not in fact anticipate claim 11, and thus respectfully request the Examiner to kindly reconsider and withdraw this rejection.

Claims 12-19 depend from claim 11. In light of the above discussion of claim 11, Applicants submit that claims 12-19 are also allowable at least by virtue of their dependency.

Regarding the prior art made of record by the Examiner but not relied upon, Applicants believe that this art does not render the pending claims unpatentable.

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

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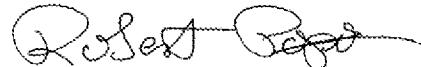
The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this document is being transmitted to the Patent and Trademark Office via electronic filing.

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Respectfully submitted,



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